

Applicant(s): Kei Yoshida
Serial No.: 09/743,837
For: A REFLECTION TYPE COLOR LIQUID CRYSTAL DISPLAY DEVICE HAVING SUB-PIXELS FOR INCREASING LUMINANCE, AND A LIGHT SCATTERING FILM INCLUDING COLOR FILTERS FOR THE SUB-PIXELS AND MANUFACTURING METHOD THEREOF
Filed: January 16, 2001
Examiner: Akkapeddi, Prasad R.
Group Art Unit: 2871

PHJ 99007

REMARKS/ARGUMENTS

Claims 1 through 15 are pending in the present application. Claims 1, 6 and 8 have been amended.

The Office Action **(1)** rejected claims 1 through 4, 6, and 8 through 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,476,890 to Funahata et al. (hereafter "the Funahata reference") in view of U.S. Patent No. 6,084,650 to Sekiguchi (hereafter "the Sekiguchi reference"); **(2)** rejected claims 7 and 11 to 12 under 35 U.S.C. 103(a) as being unpatentable over the Funahata reference and the Sekiguchi reference, and in further view of Japanese Patent No. JP-11295717 to Masayuki (hereafter "the Masayuki reference"); and **(3)** rejected claims 5, 13 through 15 under 35 U.S.C. 103(a) unpatentable over the Funahata reference and the Sekiguchi reference.

A rejection under 35 U.S.C. §103 requires that the *all of the claim limitations* must be taught or suggested by the prior art. M.P.E.P. §2143.03. Significantly, the prior art itself must suggest the modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp., 38 USPQ 2d 1551, 1554

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(CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985). Additionally, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. M.P.E.P. §2143.03.

Regarding item **(1)** identified above, it is respectfully resubmitted that claim 1 is patentable over the cited combination of references (i.e., the Funahata reference and the Sekiguchi reference) at least because [1] the Funahata reference, as suggested by the Action, fails to disclose or suggest a "color filter layer divided into at least two portions", and [2] neither of the cited reference disclose or suggest "a light scattering layer located toward a front side of the display device, said light scattering layer having at least some microscopic asperities on its surface". Accordingly, reconsideration and withdrawal of the stated rejection of claim 1, and allowance thereof, are respectfully requested.

With respect to claims 2 through 4, which depend directly from claim 1, it is respectfully submitted that claims 2 through 4 are patentable at least for the reasons discussed above with respect to claim 1. Thus, reconsideration and withdrawal of the stated rejection of claims 2 through 4, and allowance thereof, are respectfully requested.

With respect to claim 6, it is respectfully submitted that claim 6, as previously presented, is patentable over the cited reference combination at least because [1] the Funahata reference, as suggested by the Action, fails to disclose or

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suggest a "color filter layer divided into at least two portions", and [2] neither of the cited reference disclose or suggest "a light scattering portion being extended over the whole of the film, wherein the at least one additional portion and the light scattering portion are together integrally formed from the same material."

The Sekiguchi reference discloses "a color filter 11 is provided on the second substrate 6 at a region opposite a display electrode on a first substrate (neither shown). The color filter 11 is formed with a large number of openings 11e. Resin 36 having light transmittance is embedded in the opening 11e and the exposed surfaces thereof are roughened to form uneven surface 36a. The uneven surfaces 36a scatter light. Moreover, the portions at the uneven surfaces 36a have high light transmittance." (emphasis added) (col. 16, lines 21-31).

The Action contends that the foregoing excerpt reads on "a light scattering portion being extended over the whole of the film, wherein the at least one additional portion and the light scattering portion are together integrally formed from the same material" (emphasis added). It is respectfully submitted that, notwithstanding the assertions of the Action, openings in a color filter with embedded resin forming only segmented portions of uneven surfaces (please note the different texture/graphical patterns used to reflect color filter 11 and resin 36 in Fig. 13) does not read on the integral formation defined by claim 6. Accordingly, reconsideration and withdrawal of the stated rejection of claim 6, and allowance thereof, are respectfully

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requested.

Regarding claims 8, it is respectfully submitted that, neither of the cited references disclose or suggest a succeeding method step including a light scattering portion and at least one additional portion, which is for filtering or transmitting light components of predetermined wavelengths, being together integrally formed from the same material" (emphasis added). Further, it is respectfully submitted that, contrary to that which is suggested by the Action, openings in a color filter with embedded resin forming only segmented portions of uneven surfaces (please note the different texture/graphical patterns used to reflect color filter 11 and resin 36 in Fig. 13) does not read on the uninterrupted integral formation of light scattering portion and at least one additional portion as defined by claim 8. Accordingly, reconsideration and withdrawal of the rejection of claim 8, and allowance of claim 8, are respectfully requested.

Regarding item (2) identified above, it is respectfully submitted that claim 7, which depends directly from claim 6, and claims 11 and 12, which depend indirectly from claim 1, are patentable over the cited combination of references (i.e., the Funahata reference, the Sekiguchi reference, and the Masayuki reference) at least for the reasons discussed above with respect to claims 1 and 6. It is further respectfully submitted that the Masayuki reference fails to correct the above noted defects in the cited references. Accordingly, reconsideration and withdrawal of the stated rejection, and allowance of claims 6,

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11 and 12, are respectfully requested.

Regarding item **(3)** identified above, it is respectfully submitted that claim 5, which depends directly from claim 1, and claims 13 through 15, which in turn depend indirectly from claim 1, are patentable over the cited combination of references (i.e., the Funahata reference and the Sekiguchi reference) at least for the reasons discussed above with respect to claim 1. Accordingly, reconsideration and withdrawal of the stated rejection, and allowance of claims 6, 11 and 12, are respectfully requested.

In sum, it is respectfully submitted that the present claims are patentable over each of the cited references and/or any proper combination thereof. Hence, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all objections, and all rejections of the claims, are respectfully requested.

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